

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1997-300-C - ORDER NO. 2008-544
AUGUST 7, 2008

IN RE: Application of US LEC of South Carolina,)	ORDER GRANTING
LLC d/b/a PAETEC Business Services (f/k/a)	CONFIDENTIAL
US LEC of South Carolina, Inc. d/b/a)	TREATMENT
PAETEC Business Services) for a Certificate)	
of Public Convenience and Necessity to)	
Provide Local Telecommunications Services)	
and Intrastate Interexchange)	
Telecommunications Services Statewide)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of US LEC of South Carolina, LLC d/b/a PAETEC Business Services (US LEC or the Company), filed July 10, 2008, for confidential treatment of the Company's second quarter Service Quality Report for 2008.

The Company represents that the information contained in the report is subject to substantial procedures to maintain its secrecy, including limiting access to the report within the Company and requiring any outside parties who are granted access to the information to sign confidentiality agreements. Further, the Company states that it derives economic value from the information not being known to or readily ascertainable by other parties.

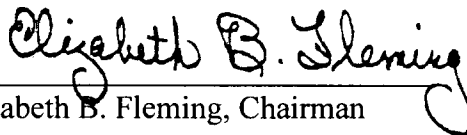
S.C. Code Ann. Section 30-4-40(a)(1) (Supp. 2007) states that a public body may exempt "trade secrets" from disclosure, which include materials containing references to competitive information. We note that the Commission entered a generic and standing

order (Order No. 2007-807, dated November 14, 2007)¹ granting confidential and proprietary treatment of information that *all telephone utilities* provide to the South Carolina Office of Regulatory Staff pursuant to Commission Regulations 103-618 and 103-619. Although the Commission believes Order No. 2007-807 allows for confidential treatment of service quality information for all telecommunications companies, the Commission grants US LEC's request. Since US LEC's report contains proprietary and competitively sensitive information concerning various parameters measured by the Company, and which is subject to substantial procedures to maintain its secrecy, we declare the material to contain "trade secrets." Accordingly, US LEC's second quarter Service Quality Report for 2008 shall be maintained under seal and withheld from public disclosure.

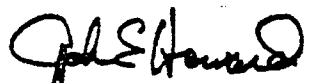
¹ By Order No. 2007-807 the following criteria for confidential treatment was set forth for all telephone utilities: (1) Information that any telephone utility provides to ORS pursuant to Commission Regulations 103-618 and/or 103-619 should be afforded confidential and proprietary treatment; (2) When required to provide information to ORS pursuant to Commission Regulations 103-618 and/or 103-619, a telephone utility shall submit: (a) a proprietary, unredacted copy of the information in a sealed envelope with each page marked "Confidential" in red ink, or with other markings that are reasonably calculated to alert custodians of the materials to their confidential or proprietary nature; and (b) a public copy of the information that redacts the specific information that is entitled to confidential and proprietary treatment. The proprietary copy shall not be available for public inspection, and the public copy shall be available for public inspection; and (3) Persons or entities may apply to the Commission for a ruling that materials designated as proprietary pursuant to this Order are not entitled to such status and protection from public disclosure. In that event, the telephone utility that designated the materials as proprietary shall be given notice of the application and a reasonable opportunity to respond. The materials that are subject to such an application shall continue to be protected from public disclosure unless the Commission enters an Order to the contrary.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)